



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Hiroaki KUBO

Application No.: 09/556,308

Filed: April 24, 2000

For: CAMERA WITH FLASH EMISSION
CONTROL

) MAIL STOP AF
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) Group Art Unit: 2612
)
) Examiner: Kelly L. Jerabek
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) Confirmation No.: 7095
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REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed September 21, 2005, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 2 and 5-7. The continued indication that claims 8, 9 and 11-15 are allowed, and that claims 3 and 4 contain allowable subject matter, is noted with appreciation.

The Office Action maintains the rejection of claims 1, 2 and 5-7 under 35 U.S.C. 103 as being unpatentable over the Takagi patent (US 5,400,112) in view of the Yahav patent (US 6,445,884). In responding to Applicant's most recent argument traversing this ground of rejection, the Office Action concurs that the reception ranges of the sensors in the Takagi patent do not overlap one another. However, the Office Action interprets the recitation of "a common area on an image sensing surface" to read upon the entire exposure region 6 of the Takagi patent, and not merely the particular areas sensed by the sensors. It is respectfully submitted that the rejection is not based upon a proper reading of the claim language.

In relevant part, claim 1 recites a plurality of light measuring elements that are provided at different positions and detect a brightness of a common area on an image sensing

surface. Thus, the claim recites that the “common area” is an area whose brightness is sensed by the light measuring elements. The Office Action states that the “entire exposure region (6)” of the Takagi patent is “a ‘common area’ that is detected by the light measuring elements (18a-18e).” However, as acknowledged in the Office Action, each one of the photoelectric elements 18a-18e senses the brightness of a *different* respective area within the exposure region. As such, there is no *sensed* area that is common to any two or more of the photoelectric elements.

Webster's *New Collegiate Dictionary* defines “common” to mean “belonging to or shared by two or more individuals or by all members of a group.” In the photometric apparatus of the Takagi patent, there is no sensed area of the exposure region that is shared by two or more of the photoelectric elements. Rather, as pointed out in Applicant's previous response, the patent explicitly teaches that the sensing areas of the respective elements are mutually exclusive of one another.

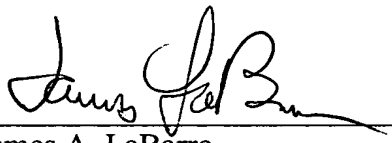
As set forth in MPEP § 2111.01, the words of a claim must be given their plain meaning unless they are defined in the specification. “Plain meaning” refers to the ordinary and customary meaning given to the term by those of ordinary skill in the art. It is respectfully submitted that the rejection does not attribute the ordinary and customary meaning to the word “common” as it appears in the claim. While the Takagi patent may be interpreted to disclose that “collectively” the photoelectric elements 18a-18e sense the brightness of the entire exposure region, it does not disclose that the entire region, or any portion thereof, is “common” to, i.e. shared by, two or more of the elements. When looking at the areas that are *sensed* by the photoelectric elements, the different regions 6a-6e cannot be both mutually exclusive of one another and common at the same time. They can only be one or the other, and the Takagi patent explicitly teaches the former, not the latter.

For at least this reason, therefore, it is respectfully submitted that claims 1, 2 and 5-7 are patentably distinct from the teachings of the Takagi patent, even when considered in combination with the Yahav patent. Reconsideration and withdrawal of the rejection, and allowance of all pending claims, is respectfully requested.

Respectfully submitted,

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Date: February 16, 2006

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